the Declaration of Eddy Cue in Support of Defendant's Motion for Reconsideration of Rule 23(b)(2) Class contain confidential and commercially sensitive business information, including iTunes Store sales and registration data and costs which Apple must pay to sell music through the iTunes Store.

2. Apple's practices are that such information is to be kept confidential and must not be publicly disclosed. Information about iTunes Store sales in the United States is not publicly disclosed by Apple; Apple reports sales on a worldwide basis. Apple likewise does not disclose iTunes Store registration data or the royalty costs that it pays to record labels as a condition of selling music through the iTunes Store. This information is non-public financial information from a public company that should remain confidential.

3. Harm to Apple Inc. would result from the disclosure of the information contained in these documents without the "Confidential –Attorneys Eyes Only" protections provided by the Stipulation and Protective Order Regarding Confidential Information entered June 13, 2007 (Document No. 112). I believe the release of this information would adversely impact Apple's bargaining position in future dealings with current and potential business partners.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Executed this 27th day of August, 2009 in Cupertino, California.

Steven Leung

SFI-617077v1

Dockets.Justia.com